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Attorneys for Defendants City of
Fairfield, Fairfield Police Department,
Rebecca Belk and Michael Ambrose

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEROME HILL,

Plaintiff.

VS.

FAIRFIELD POLICE DEPARTMENT; CITY OF FAIRFIELD, a municipal corporation; REBECCA BELK, individually and as a Police Officer for the CITY OF FAIRFIELD; MICHAEL AMBROSE, individually and as a Police Officer for the CITY OF FAIRFIELD; and DOES 1-50.

Defendants.

Case No. 3:15-cv-02380-HSG

**STIPULATION TO TRANSFER VENUE TO THE
EASTERN DISTRICT OF CALIFORNIA,
FILING OF AN AMENDED COMPLAINT AND
CONTINUING CASE MANAGEMENT
CONFERENCE AND RELATED DEADLINES
AND [PROPOSED] ORDER**

Date: CMC September 1, 2015

Time: 2:00 p.m.

Location: Courtroom 15

Date: Motion to Dismiss, Sept. 10, 2015

Hon. Haywood S. Gilliam, Jr.

Defendants City of Fairfield, acting on behalf of itself and the Fairfield Police Department which is not a legal entity capable of suing or being sued, and police officers Rebecca Belk and Michael Ambrose filed a Motion to Dismiss and/or alternatively, Motion To Transfer Venue To The Eastern District of California, and Motion to Strike Punitive Damages Claim Against The City, which is scheduled for hearing on Tuesday, September 10, 2015. This matter also was scheduled by the Court for a Case Management Conference (CMC) on September 1, 2015.

IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES, through their attorneys of

1 record, that pursuant to 28 USC §1391 and 28 U.S.C. § 1406, venue of this case be transferred from this
 2 Court in the Northern District of California to the Eastern District of California. Venue in the Northern
 3 District of California is not proper on any of the grounds set forth in § 1391(b). Plaintiff's complaint
 4 shows that none of the defendants are residents in the Northern District of California; all of the alleged
 5 events or omissions giving rise to his claims occurred exclusively in Fairfield California, which is
 6 situated in the Eastern District of California (Cal. Govt. Code § 23648; 28 U.S.C. § 84); and jurisdiction
 7 in the Northern District cannot be justified under Section 1391(b)(3), as this action can, and should, be
 8 brought in the Eastern District, thus subsection (b)(3) is inapplicable. Under Section 1391(b), the Eastern
 9 District is the only district in which venue proper for this lawsuit. (*Ervin v. Judicial Council of*
 10 *California*, 2007 WL 1489255 * 3, C 06-7479 CW (N.D. Cal. 2007).)

11 Plaintiff also has agreed to amend his complaint in response to defendants' motion to dismiss.
 12 Plaintiff shall file his amended complaint within 30 days of the date the Eastern District issues Notice
 13 acknowledging the transfer of venue and jurisdiction over this case. Defendants' responsive pleading
 14 shall be filed within 30 days after plaintiff's amended complaint is filed.

15 The Case Management Conference scheduled for September 1, 2015, and hearing on Defendants'
 16 Motion to Dismiss and/or alternatively, Motion To Transfer Venue To The Eastern District of California,
 17 and Motion to Strike Punitive Damages Claim Against The City, scheduled for hearing on September 10,
 18 2015, shall be taken off calendar.

19 IT IS SO STIPULATED:

21 Dated: August 25, 2015

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

23 By: /s/Gregory Fox
 24 Gregory M. Fox
 25 Attorneys for Defendants
 26 City of Fairfield, Fairfield Police Department,
 27 Rebecca Belk and Michael Ambrose

1 Dated: August 25, 2015
2
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4 By: /s/ Paul Alaga
5 Lewis Romero
6 Paul Alaga
7 Attorneys for Plaintiff
8 Jerome Hill
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10 IT IS SO ORDERED.
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15 Dated: 8/25/2015


16 UNITED STATES DISTRICT JUDGE.

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ATTORNEY ATTESTATION

21 I, GREGORY FOX, am the ECF User whose ID and password are being used to file this
22 STIPULATION AND PROPOSED ORDER. I have obtained concurrence in and authorization of the
23 filing of this document from Lewis Romero. I shall maintain records to support this concurrence for
24 subsequent production for the Court if so ordered or for inspection upon request by a party.
25
26

27 Dated: August 25, 2015

28 BERTRAND, FOX, ELLIOT, OSMAN &
WENZEL

29 By: /s/ Gregory Fox

30 Gregory M. Fox
31 Attorneys for Defendant
32 City of Fairfield, Fairfield Police Department,
33 Rebecca Belk and Michael Abrose
34
35